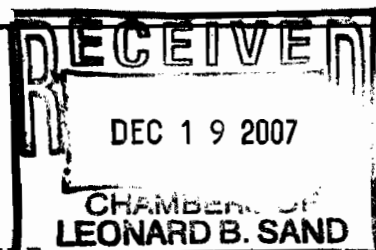




United States Attorney
Southern District of New York

MEMO ENDORSED



The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

December 18, 2007

BY FACSIMILE

The Honorable Leonard B. Sand
United States District Judge
Southern District of New York
500 Pearl Street, Rm 1650
New York, New York 10007

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 12-19-07

Re: United States v. Payano and Padilla-Parra,
07 Cr. 1168 (LBS)

Dear Judge Sand:

The defendants Franklin Payano and Antonio Padilla-Parra were both arrested on or about November 16, 2007, and charged in a one-count complaint with participating in a conspiracy to distribute more than five kilograms of cocaine, in violation of Title 21, United States Code, Section 846. On that date, the defendants were presented before Magistrate Judge Debra Freeman, and both were detained on consent, without prejudice to future bail applications. The Grand Jury returned the above-referenced indictment yesterday and the case has been assigned to Your Honor. A copy of the indictment and the previously-filed complaint are enclosed herein for Your Honor's files.

I understand from Your Honor's deputy clerk, Mr. Kenneally, that the arraignment of the above-referenced defendants has been referred to Magistrate Court. Their arraignment is currently scheduled for Thursday, December 20, 2007, at 10:00 a.m. In addition, Mr. Kenneally has scheduled the initial conference before Your Honor for January 7, 2008, at 12:00 p.m.

Finally, the Government respectfully requests that time be excluded for purposes of the Speedy Trial Act from today through and including January 7, 2008. The Government makes this request in order to permit the Government to collect and produce discovery and to provide the defendants an opportunity both to review discovery and to consider a possible disposition of the

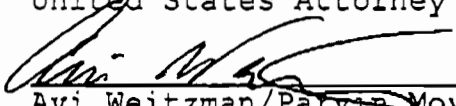
MEMO ENDORSED

Honorable Leonard B. Sand
December 18, 2007
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case. Therefore, the ends of justice served by excluding time under the Speedy Trial Act outweigh the best interest of the public and the defendant in a speedy trial. See 18 U.S.C. § 3161(h)(8). The Government makes this request with the consent of defense counsel for Mr. Payano, Marc I. Cohen, Esq., as well as defense counsel for Mr. Padilla-Parra, David Patton, Esq. A proposed order is enclosed for Your Honor's consideration.

Respectfully submitted,

MICHAEL J. GARCIA
United States Attorney

By: 
Avi Weitzman/Parvin Moyne
Assistant U.S. Attorneys
(212) 637-1205/2510


Encs.

cc: David Patton, Esq. (by fax, w/ enclosures)
Attorney for Antonio Padilla-Parra

Marc Cohen, Esq. (by fax, w/ enclosures)
Attorney for Franklin Payano

*Speedy trial exclusion granted
on consent.*

S. ordered


12/19/07

MEMO ENDORSED